

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE SEPTEMBER 11 LITIGATION

IN RE SEPTEMBER 11 PROPERTY DAMAGE  
AND BUSINESS LOSS LITIGATION

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 12/19/07

21 MC 97 (AKH)  
21 MC 101 (AKH)  
This document relates to:  
All cases

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

**IT IS HEREBY STIPULATED AND AGREED,** by and between the undersigned attorneys of record for the respective parties hereto that the Cross-Claims by the Cross-Claims plaintiffs, The Port Authority of New York and New Jersey (the "PANYNJ") and additional cross-claim plaintiffs, WTC Retail LLC ("WTCR") and The Port Authority Trans-Hudson Corporation ("PATH") (all three entities collectively referred to as "The Port Authority"), contained in the Cross-Claims By The Port Authority Against Certain Defendants In Plaintiffs' Amended Flight 175 Master Liability Complaint and Cross-Claims By The Port Authority Against Certain Defendants In Plaintiff's Amended Flight 11 Master Liability Complaint, against defendant ATA Airlines, Inc. s/h/a American Trans Air, Inc. (hereinafter "ATA") are hereby dismissed without prejudice and without costs to either party as against the other.

Cross Claim Plaintiffs, The Port Authority reserves the right to recommence these Cross-Claims if they learn facts which confirm that any of the statements in the Affidavit of Cathy Miles, submitted on behalf of the ATA, are untrue. ATA agrees that any such reinstatement of the Cross-Claims will relate back to the date of the original filing and that it will not assert a statute of limitations defense to the refiled claims.

*December 18,*  
Dated: November 2007  
Garden City, New York

  
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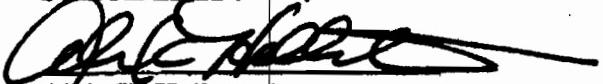
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Attorneys for Cross-Claim Plaintiffs  
The Port Authority of New York and New  
Jersey, WTC Retail LLC and The Port  
Authority Trans-Hudson Corporation

SO ORDERED:

*12/19/07*

  
Alvin K. Hellerstein  
United States District Judge